

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

TODD W. BOYES,

Plaintiff,

v.

Civil Action No. 2:20-cv-00108

JOHN YOUNG, JOHN FRAME,
DONALD AMES, BETSY JIVIDEN,
JARROD WILSON, and CURTIS DIXON,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is Defendants' Motion for Summary Judgment (ECF 110), filed October 13, 2021.

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R (ECF 132) on August 17, 2022, wherein he recommended that the court grant Defendants' Motion for Summary Judgment and dismiss this action from the docket.

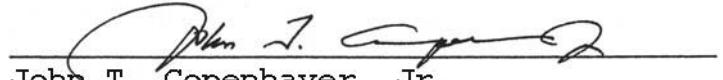
The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See Thomas

v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the court's order. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on September 6, 2022. No objections were filed.

Accordingly, it is ORDERED that the findings made in the PF&R (ECF 132) are ADOPTED by the court and incorporated herein. It is further ORDERED that Defendants' Motion for Summary Judgment (ECF 110) is GRANTED, and this civil action is REMOVED from the docket.

The Clerk is directed to transmit copies of this memorandum opinion and order to all counsel of record and any unrepresented parties.

ENTER: September 14, 2022


John T. Copenhaver, Jr.
Senior United States District Judge